

4/16/2002

MANAGEMENT STATUS OF OPEN FAR CASES

| | 12/31/01 | 2/27/20 | 3/15/02 | 4/16/02 |
|-------------------------------|----------|---------|---------|---------|
| At DoD | 8 | 11 | 12 | 6 |
| At CAAC | 15 | 12 | 12 | 15 |
| In case resolution | 3 | 3 | 3 | 4 |
| DARC/CAAC agree | 0 | 3 | 0 | 0 |
| At GSA Legal | 3 | 5 | 4 | 4 |
| Resolving GSA Legal issues | 6 | 1 | 1 | 1 |
| GSA Legal concurrence | 1 | 1 | 0 | 0 |
| At OFPP | 13 | 8 | 13 | 11 |
| Resolving OFPP issues | 8 | 4 | 4 | 3 |
| OFPP concurrence | 2 | 0 | 0 | 0 |
| At OIRA | 2 | 1 | 0 | 4 |
| Resolving OIRA issues | 1 | 0 | 1 | 1 |
| OIRA cleared. | | 7 | 4 | 0 |
| Awaiting DoD Appr. To Publish | | 0 | 0 | 0 |
| At FAR Secretariat | 3 | 8 | 10 | 4 |
| Out for public comment | 4 | 3 | 4 | 6 |
| On hold | 3 | 3 | 3 | 3 |
| Total | 72 | 70 | 71 | 62 |

FAR RULES PUBLISHED IN CY02

| | Proposed | Interim | Final |
|---------------------------|-----------------------------|---------|-------|
| Proposed | 5 | | |
| FAC 2001-04 (2/8/02) | | 1 | 6 |
| FAC 2001-05 (3/7/02) | | 1 | |
| FAC 2001-06 (3/20/02) | | | 7 |
| Total | 5 | 2 | 13 |
| FAR Cases Opened in CY02: | 9 | | |
| FAR Cases Closed in CY02: | 19 | | |
| 13 | Final rules | | |
| 0 | Withdrawn | | |
| 6 | Merged or closed w/o action | | |

See also: <http://www.acq.osd.mil/dp/dars>. Scroll down to Status of Open Cases.

Management Status of the Open FAR Cases

| <u>At DoD – 6 (6 DARC)</u> | | <u>Committee</u> |
|--------------------------------------|--|------------------|
| 2002-008 | Gains and Losses, Maintenance and Repair Costs, and Material Costs (4/10/02, DARC agreed to draft proposed FAR rule.) | DARC |
| 2002-007 | Noncommercial Representations and Certifications for Use in Simplified Acquisitions (2/20/02, Tasked SA Cmte. RD 4/24/02) | DARC |
| 2002-005 | Transportation: Standard Industry Practices (p) (4/10/02, Recd report of Transportation Cmte. Will discuss 4/24/02.) | DARC |
| 2001-006 | Progress Payment Requests under Indefinite-Delivery Contracts (p→f) (1/23/02, Tasked Finance Cmte. RD 4/17/02) | DARC |
| 1998-020 | Hazardous Material Safety Data (p→f) (3/20/02, Tasked Ad Hoc Cmte. RD 4/24/02) | DARC |
| 1998-018 | Trademarks for Government Products (p→p) (2/13/02, DARC discussed draft proposed rule. Plan to hold public meetings) | DARC |
| <u>At CAAC – 15 (9 DARC; 6 CAAC)</u> | | <u>Committee</u> |
| 2002-009 | Trade Agreements Thresholds (4/11/02, To CAAC Chair) | DARC |
| 2002-006 | Application of Cost Principles and Procedures, and Accounting for Unallowable Costs (3/27/02, To CAAC Chair) | DARC |
| 2002-004 | Part 22 Subcontracts and Definition of Terms (p) (2/4/02, Tasked Labor Cmte.) | <u>CAAC</u> |
| 2002-003 | Temporary Emergency Procurement Authority (i) (4/16/02, To CAAC Chair) | DARC |
| 2001-035 | Past Performance Evaluation of Federal Prison Industries Contracts (p) (3/4/02, to CAAC) | DARC |
| 2001-012 | Payments under Fixed-Price Construction Contracts (p→f) (3/1/02, To CAAC Chair) | DARC |
| 2001-011 | FAR Electronic Availability (f) (2/13/01, FAR staff drafting) | <u>CAAC</u> |
| 2001-004 | Exemption of Certain Commercial Service Contracts from the Service Contract Act (p) (12/6/01, CAAC sent Ad Hoc Cmte draft to Labor Cmte) | <u>CAAC</u> |
| 2000-608 | New Consolidated Form for Selection of Architect-Engineer Contractors (p→f) (1/16/02, Interagency Working Group assessing public comments.) | <u>CAAC</u> |
| 2000-308 | Prompt Payment Under Cost-Reimbursement Service Contracts (i→f) (1/30/02, To CAAC Chair) | DARC |
| 2000-302 | Veterans Entrepreneurship and Small Business Development Act of 1999 (i→f) (3/25/02, to CAAC Chair) | DARC |
| 2000-010 | Acquisition of Construction under Part 12 (p) (11/28/01, Tasked Ad Hoc Cmte to review. First meeting, 2/5/02) | <u>CAAC</u> |
| 1999-603 | Federal Supply Schedule Services and Blanket Purchase Agreements (p) (3/22/01, To FSS Cmte) | <u>CAAC</u> |
| 1999-402 | FAR Part 27 Rewrite in Plain Language (p) (1/18/02, FAR staff to CAAC, Discuss 2/13/02) | DARC |
| 1999-400 | Geographic Use of the Term "United States" (p→f) (10/12/01, To CAAC Chair) | DARC |

In Case Resolution – 4

- 2001-033 Section 508 Contract Clause (p) (3/26/02, memo to CAAC Chair.)
- 2001-028 Energy Efficient Standby Power Devices (p) (2/14/02)
- 2000-011 Revisions to Provisions/Clauses to Accommodate Sealed Bidding and Simplified Procedures in Commercial Item Acquisitions (p→f) (3/7/02)
- 1995-013 Government Property Disposal (p→f) (8/22/01, GSA is processing deviations to government property regulations. 4/17/02, DARC will discuss.)

DARC/CAAC Agree. Next step, legal review - 0

GSA Legal Review - 4

- 2001-034 General Provisions of the Cost Principles (p) (1/7/02)
- 2001-032 Elimination of Standard Form 129 (p) (1/28/02)
- 2000-013 Contract Types for Commercial Item Acquisitions (p→f) (12/13/01)
- 1997-304 Electronic Commerce in Federal Procurement (i→f) (2/6/02)

Resolving GSA Legal issues - 1

- 2000-401 Definitions of "Applied Research" and "Development" (p→f) (12-22-00)

GSA Legal concurrence. Next step, OFPP - 0

At OFPP for review - 11

- 2002-001 Economic Planning, Employee Morale, and Travel Cost Principles (p) (4/10/02)
- 2001-037 Insurance and Pension Costs (p) (4/10/02)
- 2001-031 Deferred Compensation and Post-Retirement Benefits Other than Pensions (p) (2/22/02)
- 2001-026 Depreciation Cost Principle (p) (12/10/01)
- 2001-024 Selling Cost Principle (p) (2/21/02)
- 2001-018 Applicability of the Cost Principles (p) (12/12/01)
- 2001-005 Notification of Overpayment, Contract Financing Payments (p) (2/26/02)
- 2000-305 Commercially Available Off-The-Shelf Items (ANPR) (2/21/02)
- 2000-304 Electronic Signatures (p→f) (2/4/02)
- 2000-007 Financing Policies (p→f) (11/21/01)
- 1999-025 Cost Accounting Standards (CAS) Administration (p→p) (11/21/01)

Resolving OFPP Issues - 3

- 2000-005 Leadership in Environmental Management (E.O. 13148) (p) (2/15/02)
- 1999-303 Task Order and Delivery Order Contracts (p→f)(2/20/02) GSA legal action
- 1999-024 Preference for U.S.-Flag Vessels--Subcontracts for Commercial Items (p→f) (2/8/02)

OFPP Concurrence. Next step, OIRA – 0

At OIRA - 4

- 2001-021 Training and Education Cost Principle (p) (4/11/02)
- 2000-406 Definitions of "Claim" and Terms Relating to Termination (p→f)(4/9/02)
- 1999-614 Federal Supply Schedules Order Disputes and Incidental Items (p→f) (4/11/02)
- 1997-032 Relocation Costs (p→f) (4/11/02)

Resolving OIRA issues - 1

- 2000-016 Federal, State, and Local Taxes (f) (1/31/02)

OIRA cleared. Next step, FARSEC - 0

At FAR Secretariat – 4

Proposed rule

- 2001-008 Compensation Cost Principle (p) (>2/21/02)

FAC 2001-07

- 2001-002 European Union Trade Sanctions (f) (3/7/02)
- 2000-307 Preference for Performance-Based Service Contracting (i→f) (>3/11/02)
- 1999-616 Balance of Payments Program (p→f) (3/7/02)

Out for Public Comment - 6

- 2001-030 Electronic Listing of Acquisition Vehicles Available for Use by More than One Agency (p) (CD 4/16/02)
- 2001-029 Miscellaneous Cost Principles (p) (CD 5/20/02)
- 2001-016 Labor Relations on Construction Projects (i)(stay) (CD 5/6/02))
- 2001-015 Prohibited Sources (p) (CD 5/20/02)
- 2000-306 Caribbean Basin Country End Products (i) (CD 4/8/02))
- 2000-009 Update to 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items. (p) (CD 5/20/02)

On Hold - 3

- 1994-753 Travel Costs (p→f)
- 1991-078 Small Business Subcontracting Reporting (p→p)
- 1989-093 Lobbying Restrictions (i→f)

(i) = *Interim rule not published*

(p) = *Proposed rule not published*

(i®f) = *Finalizing interim rule*

(p®p) = *Second proposed rule*

(p®f) = *Finalizing proposed rule*

FAR Rules Published in CY02

Proposed

- 1998-020 Hazardous Material Safety Data (p) (1/4/02))
- 2001-030 Electronic Listing of Acquisition Vehicles Available for Use by More than One Agency (p) (2/15/02)
- 2001-029 Miscellaneous Cost Principles (p) (3/20/02)
- 2001-015 Prohibited Sources (p) (3/20/02)
- 2000-009 Update to 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items. (p) (3/20/02)

FAC 2001-004 (2/8/02)

- 2002-002 Special Simplified Procedures for Purchases of Commercial Items (f)
- 2001-027 ISO 9001 Quality Management System Requirements (published as tech amendment) (f)
- 2001-017 Revocation of E.O. on Nondisplacement of Qualified Workers (f)
- 2001-013 Notification of Noncompliance with Cost Accounting Standards (f)
- 2000-404 Definitions for Classified Acquisitions (f)
- 2000-306 Caribbean Basin Country End Products (i)
- 1999-026 Final Contract Voucher Submission (f)

FAC 2001-005 (3/7/02)

- 2001-016 Labor Relations on Construction Projects (i)(stay)

FAC 2001-06 (3/20/02)

- 2001-003 HUBZone Program Applicability (f)
- 2000-403 Definitions for Sealed Bid and Negotiated Procurements (f)
- 2000-402 Definitions for "Contract action" and "Contracting action" (f)
- 2000-012 Update to SF 1449, Solicitation/Contract/Order for Commercial Items (f)
- 2000-008 Acquisition of Helium (f)
- 1999-612 Application of Labor Clauses (f)
- 1998-024 Procurement Integrity Rewrite (f)

FAR Cases Merged or Closed Without Action CY02

- 2001-036 Contract Bundling – closed 4/11/02.
- 2001-019 Government Property Rewrite – closed 4/11/02.
- 2001-009 Implementation of Changes to the Interstate Commerce Act – closed into 2002-005
- 2000-606 Definition of Service Contract - closed 2/12/02.
- 2000-601 Define Terms in Part 22 - closed into 2002-004.
- 1999-605 Subcontracts (Labor Standards) – closed into 2002-004.